

SENATE BILL REPORT

2SHB 1163

As of March 28, 2011

Title: An act relating to harassment, intimidation, and bullying prevention.

Brief Description: Creating a work group on preventing bullying, intimidation, and harassment and increasing student knowledge on mental health and youth suicide.

Sponsors: House Committee on Education Appropriations & Oversight (originally sponsored by Representatives Liias, Johnson, Maxwell, Santos, Sullivan, Walsh, Orwall, Moeller, Van De Wege, Pedersen, McCoy, Ladenburg, Goodman, Hunt, Jinkins, Reykdal, Ormsby, Sells, Frockt, Upthegrove, Kagi, Blake, Fitzgibbon, Kenney, Stanford, Ryu, Miloscia, Carlyle, Pettigrew, Moscoso, Probst, Seaquist, Finn, Roberts, Appleton, Billig, Hasegawa, Clibborn, Hurst, Hudgins, Jacks, Dunshee, Green, Tharinger, Darneille and Rolfes).

Brief History: Passed House: 3/02/11, 76-21.

Committee Activity: Early Learning & K-12 Education: 3/17/11, 3/21/11 [DPA-WM].
Ways & Means: 3/24/11.

SENATE COMMITTEE ON EARLY LEARNING & K-12 EDUCATION

Majority Report: Do pass as amended and be referred to Committee on Ways & Means.

Signed by Senators McAuliffe, Chair; Harper, Vice Chair; Litzow, Ranking Minority Member; Eide, Fain, Hill, Hobbs, King, Nelson, Rockefeller and Tom.

Staff: Juliana Roe (786-7438)

SENATE COMMITTEE ON WAYS & MEANS

Staff: Elise Greef (786-7708)

Background: Since 2003 school districts have been required to maintain a district policy prohibiting harassment, intimidation, and bullying of any student. The Office of the Superintendent of Public Instruction (OSPI) developed a model prevention policy and training materials to assist school districts.

In 2010 legislation was enacted requiring OSPI to revise and update the model policy; create a model procedure; and adopt rules regarding communication to parents, students, and employees. The 2010 law requires school districts to amend their policies by August 1, 2011,

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to at a minimum, incorporate the new OSPI policy and procedure. School districts must also designate a primary contact person in the district for their policies and procedures. The Office of the Education Ombudsman (OEO) is designated as the lead agency to provide resources and tools to parents and families about anti-harassment policies and strategies.

OSPI convened a workgroup of stakeholders to assist in developing the new model policy and procedure. In November 2010 OSPI conveyed the new policy and procedures to the education committees of the Legislature, and included the following additional recommendations from the workgroup:

1. A continuing state-level anti-bullying workgroup is needed to advise the Legislature on the next steps in addressing bullying.
2. Training is needed for all school staff and should be required where resources permit.
3. School districts should periodically analyze their data on harassment, intimidation, and bullying and remediate where there are high incidents of bullying.
4. Funding should be provided to assist districts with training, data collection, best practices, and additional personnel to monitor areas with low supervision.

OSPI has developed the Essential Academic Learning Requirements (EALRs) for health and fitness that require students to gain knowledge and skills in:

1. movement, physical fitness, and nutrition;
2. dimensions of health, stages of growth and development, reduced health risks, and promotion of safe living;
3. analysis and evaluation of the impact of real-life influences on health; and
4. analysis of personal information to develop an individualized fitness plan.

These EALRs serve as umbrella concepts. There are more detailed grade level expectations to provide further specificity for each grade level. School districts make curriculum decisions and determine what materials are used to provide health and fitness instruction. School districts must have classroom-based assessments or other strategies in place for elementary, middle, and high school to assure that students have an opportunity to learn health and fitness.

Parents of students who have been bullied or harassed often testify that their children become depressed and sometimes suicidal as a result of their experiences.

Summary of Bill (Recommended Amendments): OSPI and OEO convene an ongoing school bullying and harassment prevention workgroup to develop, recommend, and implement strategies to improve school climate and create respectful learning environments in public schools. The Superintendent of Public Instruction or a designee serves as Chair.

The workgroup must:

1. consider whether additional disaggregated data on incidents of bullying and harassment should be collected and make recommendations to OSPI on data collection;
2. examine procedures for anonymous reporting of incidents;
3. identify curriculum and best practices for improving school climate;
4. incorporate instruction about mental health, youth suicide prevention, and prevention of bullying and harassment and train staff and students in de-escalation techniques;
5. recommend best practices for informing and involving parents;

6. recommend training for school district primary contacts;
7. recommend pre-service training for educators;
8. examine and recommend policies for discipline of students and staff; and
9. examine and recommend policies to protect K-12 students attending community and technical colleges from bullying and harassment, in collaboration with the State Board for Community and Technical Colleges (SBCTC).

The workgroup includes representatives from the State Board of Education, the Washington State Parent-Teacher Association, the Washington State Association of School Psychologists, school directors and administrators, school staff, youth, community organizations, and parents. A biennial report is required beginning December 1, 2011.

The SBCTC and the Higher Education Coordinating Board must compile and analyze college and university policies and procedures regarding harassment, intimidation, and bullying prevention. Each must submit a report to the Education and Higher Education Committees of the Legislature with recommendations for improvement by December 1, 2011.

Beginning July 1, 2012, issues of mental health and suicide prevention education are included in health and fitness learning standards for purposes of classroom based assessments.

EFFECT OF CHANGES MADE BY EARLY LEARNING & K-12 EDUCATION COMMITTEE (Recommended Amendments): Legislators are removed from the workgroup. A representative from the Washington State Association of School Psychologists is added to the workgroup.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed, except section 4, relating to adding mental health and suicide prevention education to classroom based assessments, which takes effect July 1, 2012.

Staff Summary of Public Testimony on Second Substitute House Bill (Early Learning & K-12 Education): PRO: The goal of this bill is to help us identify best practices. The state has created bullying policies at state and district levels, but these policies have not translated to all of our schools. Further, an exact approach has not been identified that will make a difference in the lives of our children. Children have lost their lives due to bullying and we want to make schools safe for every student in our state. Another important aspect of the bill deals with mental health and youth suicide. We want to make sure that every child is safe and has the coping skills to deal with situations in which they become a victim.

It is important to amend the bill to include school psychologists as a member of the workgroup. School psychologists have specific training in dealing with students.

Only about 25 percent of the children who need mental health services actually receive those services. School psychologists are working in districts regarding positive behavioral systems. These systems have shown to be impactful. This is important to note because we know that the results of suicide awareness programs are mixed as a stand alone program. Schools need to address at risk behaviors and increase student resiliency. Psychologists are responding to daily bullying. Bullying and suicide prevention are significant mental health issues. The workgroup needs someone with this experience to address these issues.

This is a good bill, but the OEO should serve as the chair of the committee rather than the Superintendent of Public Instruction. The OEO is a more neutral place for these topics.

Children often do not feel safe at school because they are bullied. Bullying causes students to become depressed and traumatized. When the depression is left unattended to, students have committed suicide. Schools often do not respond well to criticism regarding bullying. The school administrators attempt to defend the school. Often no one is reprimanded for the bullying that takes place in the school. Further, it is often difficult for parents to discuss these issues with administrators and teachers. The OEO has proved instrumental in helping parents address these issues. Bullying is the second most called-about issue with which the OEO deals. This bill will save children's lives.

Students should be taught basic skills in helping friends in need. They should learn how to recognize when their friends are in trouble and where to go for adult help. It is important that this is included in the health and fitness curriculum.

Persons Testifying (Early Learning & K-12 Education): PRO: Representative Liias, prime sponsor; Bethene Engelsrold, Washington State Association of School Psychologists; Gabi Clayton, Safe Schools Coalition; John Paul Chaisson-Cardenas, Washington Community Action Network; Steve Zuber; Cecilia Icenogue; Susan Eastgard, Youth Suicide Prevention Program; Heather Villanueva, Service Employees International Union Healthcare 775NW; Jacqueline Ware, Office of the Education Ombudsman.

Staff Summary of Public Testimony on Recommended Amendments (Ways & Means): PRO: The bill builds on excellent work that was begun in 2002. We have a statewide policy but it is not translating as quickly and meaningfully as we would like into classrooms across the state. An ongoing workgroup will make a difference and the second part of the bill gives students the tools they need to protect themselves if they are victims of bullying and harassment. The amendments from the Senate education committee are well and good. The bottom line, fiscally, is the more we work to implement anti-bullying and harassment strategies and create a respectful school environment, the fewer lawsuits the state has to pay when bullying in the schools turns into harm or death by suicide. With the passage of legislation in 2010, the Puyallup School District implemented new rules and regulations and the effects have been excellent. For three years, our son was bullied but, once the district tightened up the regulations, we have seen significant results. The fiscal note is very small and is a small price to pay to further our state's anti-bullying efforts and ensure there is oversight of those efforts. For a very low cost, we can push an important policy forward.

Persons Testifying (Ways & Means): PRO: Representative Lias, prime sponsor; Diana Stadden, parent, The Arc of Washington State; John Wheeler III, Washington Student Association; Jennifer Allen, Safe Schools Coalition, Planned Parenthood.